

The article was alleged also to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: February 2, 1949. Default decree of condemnation. The circulars were ordered destroyed, and the product was ordered delivered to a charitable institution.

2786. Misbranding of vitamin E capsules. U. S. v. 111 Bottles * * *. (F. D. C. No. 26157. Sample No. 51226-K.)

LABEL FILED: December 22, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 19, 1948, from Detroit, Mich.

PRODUCT: 111 bottles, each containing 100 capsules, of *vitamin E* at Cincinnati, Ohio, in the possession of the Cincinnati Vitamin Co. A number of circulars entitled "Vitamin E and Heart Disease," which had been prepared by the consignee and printed locally, were on the counter in close proximity to the product. Examination indicated that the product had the composition stated on its label.

LABEL, IN PART: "100 Gelatin Capsules No. 153 Vitamin E Each Capsule Contains 30 mg. Alpha Tocopherol."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars were false and misleading since they represented and suggested that the article was effective to prevent and cure heart disease, whereas the article was not effective for such purpose. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: February 23, 1949. Default decree of condemnation and destruction.

2787. Misbranding of Burnett's Radio-Active Emanator. U. S. v. 4 Devices * * *. (F. D. C. No. 23731. Sample No. 76470-H.)

LABEL FILED: On or about October 8, 1947, Southern District of Texas.

ALLEGED SHIPMENT: On or about July 11 and 30 and August 14, 1947, by W. H. Burnett, from Fordyce, Ark.

PRODUCT: 4 unlabeled devices at Monroe City, Tex. Examination showed that the device consisted of a molded concrete block containing a trace of radioactive material.

NATURE OF CHARGE: Misbranding, Section 502, the device was represented as "Burnett's Radio-Active Emanator," whereas it contained only a trace of radioactive material, which was too little to be of any therapeutic significance.

DISPOSITION: December 19, 1947. Default decree of condemnation and destruction.

DRUGS FOR VETERINARY USE

2788. Adulteration and misbranding of Fox No. 1 Mineral Feed and misbranding of Poultrate, Vetrone, and Fox Triumph Swine Liquid. U. S. v. Foxbilt, Inc., and E. Frank Fox. Pleas of guilty. Fine of \$325 against each defendant, plus costs. (F. D. C. No. 25602. Sample Nos. 25384-K, 25385-K, 25387-K, 25389-K.)

INFORMATION FILED: February 24, 1949, Southern District of Iowa, against Foxbilt, Inc., Des Moines, Iowa, and E. Frank Fox, president of the corporation.

ALLEGED SHIPMENT: On or about August 15, 1947, and January 20 and April 9, 1948, from the State of Iowa into the State of Minnesota. A number of circulars entitled "How to Feed Fox No. 1 Mineral Feed" accompanied the *Fox No. 1 Mineral Feed*, and a number of booklets entitled "Calling All Hens" and "Foxbilt Feeds" accompanied the *Poultrate* and *Vetrone*, respectively.

LABEL, IN PART: "Fox No. 1 Mineral Feed * * * Guaranteed Analysis Calcium (Ca), Not more than 3.16%, Phosphorus, Not less than .50%, Iodine (I), Not less than .008%, Salt (NaCl), * * * None * * * Contains Sodium Bicarbonate, Sulphate Soda, Soft Phosphate with Colloidal Clay, American Wormseed, Poke Root, Sulphur (7½%), Potassium Nitrate, Iron Oxide, Iron Sulphate, Cascara, Mandrake, Charcoal (5%), Areca Nut, Pulverized Limestone (Containing 98% Calcium Carbonate), Manganese Sulphate, Potassium Iodide," "Poultrate * * * Guaranteed Analysis Protein, Not less than 25%, Fat, Not less than 3.5%, Calcium (Ca), Not more than 7.50%, Not less than 6%, Fiber, Not more than 6.5%, Phosphorus (P), Not less than 1.0%, Iodine (I), Not less than .01%, Salt (NaCl), Not less than 4.6%, N. F. E. Not less than 18.0%," "Vetrone * * * Contents Ferric Sulphate, Cobalt Sulphate, Magnesium Sulphate, Ferrous Sulphate, Manganese Sulphate, Aluminum Sulphate," "Fox Triumph Swine Liquid * * * Active Ingredients Thymol, Creosote, Soda Ash, Sodium Hydroxide (Caustic Soda), Salt * * * Inert Ingredients Glycerine, Oil of Anise, Licorice Root, Saccharin, Water."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the *Fox No. 1 Mineral Feed* differed from that which it was represented to possess since it was represented to contain not less than 0.5 percent of phosphorus and it contained less than that amount of phosphorus.

Misbranding, Section 502 (a), certain statements in the labeling of the articles were false and misleading since the articles would not be effective for the purposes represented and since the *Fox No. 1 Mineral Feed* contained less than the declared amount of phosphorus. The statements represented and suggested that the *Fox No. 1 Mineral Feed* contained not less than 0.5 percent of phosphorus and would be effective in the treatment of digestive disorders in shoats and gilts, in the conditioning of pigs and stock hogs, in the treatment of all types of unthrifty and backward conditions in hogs, in the treatment of pigs when they go off their feed, in the treatment of horses of all types in a weakened run-down condition, in the treatment of sheep which are out-of-condition, and in the treatment of poultry in a run-down condition; that the *Poultrate* would be effective in the prevention and treatment in poultry of coccidiosis, worms, cholera, typhoid, colds, roup, tuberculosis, and blackhead; that the *Vetrone* when used as directed would be effective in the prevention and treatment of diseases of poultry, hogs, and dairy cows, in the prevention and treatment in poultry of coccidiosis, parasites, cholera, and a run-down condition, in the prevention of anemia in pigs, and in the treatment of pig scours, necro, and mastitis; and that the *Fox Triumph Swine Liquid* when used as directed would be effective in the prevention and treatment of disease conditions in swine and in alkalizing the intestinal tract of swine.

The *Fox No. 1 Mineral Feed* was alleged to be adulterated and misbranded and the *Poultrate* and *Vetrone* were alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on food.

DISPOSITION: May 21, 1949. Pleas of guilty having been entered, the court imposed a fine of \$325 against each defendant, together with costs.